

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BENJAMIN AYALA,

Plaintiff,

V.

**THE UNITED STATES OF AMERICA,
THE STATE OF TEXAS, THE STATE
OF NEW MEXICO, THE STATE OF
VIRGINIA, THE STATE OF FLORIDA,
THE STATE OF NEW YORK, and THE
STATE OF DISTRICT OF COLUMBIA,**

Defendants.

No. 3:24-CV-00389-LS

ORDER ON REPORT AND RECOMMENDATION

The Court has considered United States Magistrate Judge Anne T. Berton’s Report and Recommendation (the “R&R”), filed in this case,¹ which recommends dismissing this case under 28 U.S.C. § 1915(e)(2)(B)(i)–(ii).

Any party who desires to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within 14 days after being served with a copy of the findings and recommendations.² Plaintiff Benjamin Ayala received a copy of the R&R on December 3, 2024,³ and the time to object has passed. Because Plaintiff (the only party in this case thus far) has not objected to the Magistrate Judge's findings or recommendations, the Court reviews the R&R for clear error.⁴

¹ ECF No. 4.

² Fed. R. Civ. P. 72(b)(2).

³ ECF No. 7.

⁴ See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); cf. 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which an objection is made.”)

After such review, the Court finds that the R&R is neither clearly erroneous nor contrary to law. Therefore, the Court adopts the R&R. It dismisses this case under 28 U.S.C. § 1915(e)(2)(B)(i)–(ii). Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status should be denied for purposes of an appeal. All pending motions in this case are denied as moot. The Clerk shall close this case.

SO ORDERED.

SIGNED and **ENTERED** on February 13, 2025.

A handwritten signature in black ink, appearing to read 'Leon Schydlower', is written over a horizontal line.

LEON SCHYDLOWER
UNITED STATES DISTRICT JUDGE